

CLOSED

**U.S. District Court
District of Montana (Missoula)
CIVIL DOCKET FOR CASE #: 9:06-cv-00149-DWM**

Equal Employment Opportunity Commission v. Les Schwab
Tire Centers of Montana, Inc. et al
Assigned to: Judge Donald W. Molloy
Cause: 28:451 Employment Discrimination

Date Filed: 09/25/2006
Date Terminated: 06/27/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **John Freeman Stanley**
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V.

Intervenor Plaintiff

Earle Nevins
TERMINATED: 06/27/2008

represented by **Elizabeth A. Best**
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V.

Defendant

**Les Schwab Tire Centers of Montana,
Inc.**

represented by **Daniel D. Johns**
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Defendant

**Les Schwab Tire Warehouse
Inc.**

represented by **Daniel D. Johns**
(See above for address)
LEAD ATTORNEY
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Kenneth Diamond
(See above for address)
LEAD ATTORNEY
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Steven J. Lehman
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ATTORNEY TO BE NOTICED

Kimberly S. More
(See above for address)
ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

**Les Schwab Tire Centers of Montana,
Inc.**

represented by **Daniel D. Johns**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth Diamond
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Kimberly S. More
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Intervenor Defendant

Les Schwab Tire Warehouse

represented by **Daniel D. Johns**
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Kimberly S. More
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/25/2006	<u>1</u>	COMPLAINT <i>JURY TRIAL DEMAND</i> against all defendants, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Summons# <u>2</u> Summons)(Kucuk, Molly Powell) (Entered: 09/25/2006)
09/26/2006		Summons Issued as to Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse. (MCN,) (Entered: 09/26/2006)
10/03/2006		Notice of Correction: re 2 Notice of Appearance. (document not dated, Earle Nevins not a party to the case currently--called counsel and she will follow up with a motion to intervene on behalf of Earle Nevins) (BAW,) (Entered: 10/03/2006)

10/23/2006	<u>3</u>	MOTION to Intervene by Earle Nevins. (Attachments: # <u>1</u> Exhibit A-proposed complaint# <u>2</u> Text of Proposed Order)(BAW,) (Entered: 10/23/2006)
10/23/2006	<u>4</u>	Memorandum in Support of <u>3</u> MOTION to Intervene . (BAW,) (Entered: 10/23/2006)
10/23/2006		Remark (intervening party and attorneys not added until order is signed). (BAW,) (Entered: 10/23/2006)
10/25/2006	<u>5</u>	ANSWER to Complaint by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse.(More, Kimberly) (Entered: 10/25/2006)
10/27/2006	<u>7</u>	ORDER denying <u>3</u> Motion to Intervene by Earle Nevins. Signed by Judge Donald W. Molloy on 10/27/2006. (BAW,) (Entered: 10/30/2006)
10/30/2006	<u>6</u>	NOTICE by Earle Nevins re <u>3</u> MOTION to Intervene <i>Compliance with L.R. 7.1(j)</i> (Kortum-Managhan, Santana) (Entered: 10/30/2006)
10/30/2006		Remark copy of document 7 mailed to counsel Managhan. (BAW,) (Entered: 10/30/2006)
11/01/2006	<u>8</u>	MOTION to Intervene by Earle Nevins. (Attachments: # <u>1</u> Text of Proposed Order)(BAW,) (Entered: 11/03/2006)
11/01/2006	<u>9</u>	Memorandum in Support of <u>8</u> MOTION to Intervene filed by Earle Nevins. (BAW,) (Entered: 11/03/2006)
11/06/2006	<u>10</u>	NOTICE OF CONVENTIONAL FILING by Equal Employment Opportunity Commission re <u>8</u> MOTION to Intervene (BAW,) (Entered: 11/13/2006)
11/07/2006	<u>11</u>	THIRD AMENDED MOTION to Intervene by Earle Nevins. (Attachments: # <u>1</u> Text of Proposed Order)(BAW,) (Entered: 11/13/2006)
11/07/2006	<u>12</u>	Brief/Memorandum in Support re <u>11</u> MOTION to Intervene filed by Earle Nevins. (Attachments: # <u>1</u> Exhibit A)(BAW,) (Entered: 11/13/2006)
11/08/2006	<u>13</u>	NOTICE OF CONVENTIONAL FILING by Earle Nevins re <u>11</u> MOTION to Intervene (BAW,) (Entered: 11/13/2006)
11/08/2006	<u>14</u>	ORDER granting <u>8</u> Motion to Intervene by Earle Nevins, granting <u>11</u> Motion to Intervene . Signed by Judge Donald W. Molloy on 11/8/2006. (BAW,) (Entered: 11/13/2006)
11/16/2006	<u>15</u>	Intervenor COMPLAINT <i>against Defendants Les Schwab Tire Centers of Montana and Les Schwab Tire Warehouse</i> , filed by Earle Nevins. (Attachments: # <u>1</u> Exhibit Summons)(Kortum-Managhan, Santana) (Entered: 11/16/2006)
11/16/2006		Summons Issued as to Earle Nevins. (BAW,) (Entered: 11/16/2006)
11/16/2006	<u>16</u>	MOTION Kenneth Diamond to Appear Pro Hac Vice by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Attachments: # <u>1</u> Text of Proposed Order)(More, Kimberly) (Entered: 11/16/2006)
11/16/2006	<u>17</u>	AFFIDAVIT re <u>16</u> MOTION Kenneth Diamond to Appear Pro Hac Vice by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (More, Kimberly) (Entered: 11/16/2006)
11/17/2006		PHV fee: \$ 250.00, receipt number 45103 for Kenneth Diamond (APP,) (Entered: 11/17/2006)
11/21/2006	<u>18</u>	ORDER granting <u>16</u> Motion to Appear Pro Hac Vice for Attorney Kenneth Diamond for Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Inc. . Signed by Judge Donald W. Molloy on 11/21/2006. (BAW,) (Entered: 11/21/2006)
12/01/2006	<u>19</u>	Order Setting Preliminary Pretrial Conference: Preliminary Pretrial Statement due by 4/6/2007. Joint Discovery Plan due by 4/6/2007. Pretrial Conference set for 4/13/2007 11:00 AM in Missoula, MT before Judge Donald W. Molloy.Signed by Judge Donald W. Molloy on 12/1/2006. (SLP) (Entered: 12/01/2006)

01/26/2007	<u>20</u>	ANSWER to Intervenor Complaint by Les Schwab Tire Centers of Montana, Inc..(Johns, Daniel) (Entered: 01/26/2007)
01/26/2007	<u>21</u>	ANSWER to Intervenor Complaint by Les Schwab Tire Warehouse.(Johns, Daniel) (Entered: 01/26/2007)
02/16/2007	<u>22</u>	JOINT DISCOVERY PLAN. (Kortum-Managhan, Santana) (Entered: 02/16/2007)
02/21/2007	<u>23</u>	NOTICE of Appearance by Steven J. Lehman on behalf of all defendants (Lehman, Steven) (Entered: 02/21/2007)
04/05/2007	<u>24</u>	PRELIMINARY PRETRIAL STATEMENT by Earle Nevins. (Best, Elizabeth) Modified on 4/5/2007 to indicate the Help Desk was called by the filer to explain the cert. of svc. on this document.All parties were served electronically except for John Stanley who received a copy in the mail from the filer. (SLN,). (Entered: 04/05/2007)
04/05/2007		Remark : The Help Desk was called by E. Best's office to advise the certificate of service on document 24 is not completed at the top. All parties in this case were served electronically except for John Stanley and he was served with document 24 by US mail service. (SLN) (Entered: 04/05/2007)
04/06/2007	<u>25</u>	PRELIMINARY PRETRIAL STATEMENT by Equal Employment Opportunity Commission. (Kucuk, Molly Powell) (Entered: 04/06/2007)
04/06/2007	<u>26</u>	PRELIMINARY PRETRIAL STATEMENT by Les Schwab Tire Centers of Montana, Inc.. (Johns, Daniel) (Entered: 04/06/2007)
04/06/2007		Remark – document no. 27 was deleted because it was a duplicate of document no. 26. Document no. 27 will be used again. (CLP,) (Entered: 04/06/2007)
04/13/2007	<u>27</u>	Minute Entry for proceedings held before Judge Donald W. Molloy : Initial Pretrial Conference held on 4/13/2007. (CLP,) (Entered: 04/16/2007)
04/19/2007	<u>28</u>	SCHEDULING ORDER: Final Pretrial Conference set for 7/2/2008 11:00 AM in Missoula, MT before Judge Donald W. Molloy. Amended Pleadings due by 8/31/2007. Discovery due by 1/31/2008. Jury Trial set for 7/21/2008 08:30 AM in Missoula, MT before Judge Donald W. Molloy. Motions due by 3/31/2008. . Signed by Judge Donald W. Molloy on 4/19/2007. (CLP,) Modified on 4/19/2007 to reflect a copy was mailed to John Stanley(CLP,). (Entered: 04/19/2007)
05/29/2007	<u>29</u>	NOTICE of Substitution of Counsel <i>AND WITHDRAWAL OF COUNSEL</i> by Equal Employment Opportunity Commission (Stanley, John) (Entered: 05/29/2007)
05/30/2007		Notice of Correction: re <u>29</u> Notice of Substitution of Counsel (called counsel Stanley to refile this document). John Stanley must sign the document in lieu of Kathryn Olson; and signature on COS does not conform. (baw) (Entered: 05/30/2007)
05/31/2007	<u>30</u>	NOTICE by Equal Employment Opportunity Commission <i>CLARIFICATION</i> (Kucuk, Molly Powell) (Entered: 05/31/2007)
06/01/2007		NOTICE REGARDING ELECTRONIC SIGNATURE/DATE: re <u>30</u> Notice (Other). The signature on this document does not comply with L.R. 11.1 (b) and section I(i) of the ECF Administrative Procedures Manual, or the document is not dated. This notice is for your information for future filings. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. (The person e-filing the document MUST be the same as the person who electronic signs the PDF with the /s/) (clp) (Entered: 06/01/2007)
06/14/2007	<u>31</u>	NOTICE by Equal Employment Opportunity Commission <i>of Unavailability of Counsel</i> (Kucuk, Molly Powell) (Entered: 06/14/2007)
06/20/2007	<u>32</u>	NOTICE by Equal Employment Opportunity Commission <i>Of Unavailability of Counsel, John F. Stanley</i> (Stanley, John) (Entered: 06/20/2007)
07/31/2007	<u>33</u>	NOTICE to Take Deposition of Earle Nevins by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse.(Johns, Daniel) (Entered: 07/31/2007)
07/31/2007	<u>34</u>	NOTICE to Take Deposition of Mark Meagher, Dave Ogren, Marty Cahill, Dustin Martell, John Tennant, Robert Willard, and Brendon Hammond by Earle Nevins.(Best,

		Elizabeth) (Entered: 07/31/2007)
07/31/2007	<u>35</u>	NOTICE to Take Deposition of Mark Meagher, Dave Ogren, Marty Cahill, Dustin Martell, John Tennant, Robert Willard, and Brandon Hammack by Earle Nevins.(Best, Elizabeth) (Entered: 07/31/2007)
08/06/2007	<u>36</u>	NOTICE by Earle Nevins re <u>33</u> Notice to Take Deposition (Kortum–Managhan, Santana) (Entered: 08/06/2007)
08/07/2007	<u>37</u>	NOTICE to Take Deposition of Earle Nevins by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse.(Johns, Daniel) (Entered: 08/07/2007)
08/13/2007	<u>38</u>	MOTION to Amend/Correct <u>15</u> Intervenor Complaint by Earle Nevins. (Attachments: # <u>1</u> Amended Complaint# <u>2</u> Text of Proposed Order)(Kortum–Managhan, Santana) (Entered: 08/13/2007)
08/14/2007	<u>39</u>	ORDER granting <u>38</u> Motion to Amend. Signed by Judge Donald W. Molloy on 8/14/2007. (baw) (Entered: 08/15/2007)
08/15/2007	<u>40</u>	AMENDED COMPLAINT against all defendants, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit EEOC's First Amended Complaint# <u>2</u> Exhibit Proposed Order Amending Complaint)(Kucuk, Molly Powell) Document to be refiled by attorney using correct event. (Entered: 08/15/2007)
08/16/2007		Notice of Correction: re <u>40</u> Amended Complaint; document filed in error–attorney contacted and will refile document. (baw) (Entered: 08/16/2007)
08/16/2007	<u>41</u>	MOTION For Leave to Amend Complaint by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Amended Complaint# <u>2</u> Text of Proposed Order Order Granting Motion to Amend Complaint)(Kucuk, Molly Powell) Modified on 8/17/2007 (CAD,)to convert this entry into the correct Motion as it was filed using an incorrect event. (Entered: 08/16/2007)
08/16/2007		Notice of Incorrect Docket Event: re <u>41</u> MOTION for Leave. Incorrect event used: Amend/Correct. correct event to use: Motion for Leave. This notice is for your information for future filings. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. (cad) (Entered: 08/17/2007)
08/20/2007	<u>42</u>	ORDER granting <u>41</u> MOTION for Leave to amend filed by Equal Employment Opportunity Commission. Signed by Judge Donald W. Molloy on 8/20/2007. (baw) (Entered: 08/20/2007)
08/22/2007	<u>43</u>	Joint MOTION for Extension of Time to Amend <i>Pleadings</i> by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Attachments: # <u>1</u> Text of Proposed Order)(Johns, Daniel) Additional attachment(s) added on 8/23/2007 (BAW,). (Entered: 08/22/2007)
08/23/2007		Remark– called counsel Johns to email to the clerk, the correct pdf for text of proposed order on document <u>43</u> . (baw) (Entered: 08/23/2007)
08/27/2007	<u>44</u>	ORDER granting <u>43</u> Motion for Extension of Time to Amend pleadings until 9/28/07. Signed by Judge Donald W. Molloy on 8/27/2007. (baw) (Entered: 08/27/2007)
08/28/2007	<u>45</u>	ANSWER to Complaint (<i>Intervening Party's First Amended</i>) by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse.(Johns, Daniel) (Entered: 08/28/2007)
09/04/2007	<u>46</u>	<i>Defendants'</i> ANSWER to Amended Complaint of EEOC by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse.(Johns, Daniel) (Entered: 09/04/2007)
09/28/2007	<u>47</u>	First MOTION for Leave to File <i>Answers to Amended Complaints</i> by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Attachments: # <u>1</u> – Brief in Support (this event shall be filed seperately) # <u>2</u> – Proposed Amended Answer TO EEOCS FIRST AMENDED COMPLAINT AND JURY TRIAL DEMAND # <u>3</u> – Proposed AMENDED ANSWER TO INTERVENING PARTYS FIRST AMENDED COMPLAINT AND JURY TRIAL DEMAND Case 9:06-cv-00149-DWM Document 47-4 Filed 09/28/2007 Page 1 of

		8)(Johns, Daniel) Modified on 10/1/2007 to change event from "Motion to Amend/Correct" to "Motion for Leave" – modified text accordingly – also modified event to describe attachments to Motion(CDH,). (Entered: 09/28/2007)
10/01/2007		Notice of Incorrect Docket Event: re <u>47</u> First MOTION to Amend/Correct <i>Answers to Amended Complaints</i> . Incorrect event used: Motion to Amend/Correct. correct event to use: Motion for Leave to File Document. This notice is for your information for future filings. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. (cdh) (Entered: 10/01/2007)
10/01/2007		Notice of Correction: re <u>47</u> MOTION for Leave to File – ATTACHMENT #1 TO MOTION (BRIEF IN SUPPORT) NEEDS TO BE FILED AS A SEPERATE EVENT using "Responses and Replies", "Brief/Memorandum in Support". (cdh) (Entered: 10/01/2007)
10/02/2007	<u>48</u>	NOTICE by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse (Johns, Daniel) (Entered: 10/02/2007)
10/05/2007	<u>49</u>	RESPONSE to Motion re <u>47</u> MOTION for Leave to File filed by Earle Nevins. (Kortum–Managhan, Santana) (Entered: 10/05/2007)
10/17/2007	<u>50</u>	NOTICE to Take Deposition of Bill Smith by Earle Nevins.(Kortum–Managhan, Santana) (Entered: 10/17/2007)
11/09/2007	<u>51</u>	ORDER granting <u>47</u> Motion for Leave to File amended answers. Signed by Judge Donald W. Molloy on 11/9/2007. (slp) (Entered: 11/09/2007)
11/13/2007	<u>52</u>	MOTION in Limine by Earle Nevins. (Kortum–Managhan, Santana) (Entered: 11/13/2007)
11/13/2007	<u>53</u>	Brief/Memorandum in Support re <u>52</u> MOTION in Limine filed by Earle Nevins. (Kortum–Managhan, Santana) (Entered: 11/13/2007)
11/26/2007	<u>54</u>	RESPONSE to Motion re <u>52</u> MOTION in Limine filed by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Johns, Daniel) (Entered: 11/26/2007)
12/03/2007	<u>55</u>	REPLY to Response to Motion re <u>52</u> MOTION in Limine filed by Earle Nevins. (Kortum–Managhan, Santana) (Entered: 12/03/2007)
12/03/2007	<u>56</u>	NOTICE of Change of Address by Santana N. Kortum (Kortum, Santana) (Entered: 12/03/2007)
12/27/2007	<u>57</u>	<i>First Amended</i> ANSWER to Amended Complaint of <i>EEOC</i> by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse.(Johns, Daniel) (Entered: 12/27/2007)
12/27/2007	<u>58</u>	<i>First Amended</i> ANSWER to Intervenor Complaint (<i>First Amended</i>) by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse.(Johns, Daniel) (Entered: 12/27/2007)
01/15/2008	<u>59</u>	NOTICE to Take Deposition of 30(b)(6) Corporate Designee by Equal Employment Opportunity Commission.(Kucuk, Molly Powell) (Entered: 01/15/2008)
01/22/2008	<u>60</u>	Corporate Disclosure Statement by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Johns, Daniel) (Entered: 01/22/2008)
01/25/2008	<u>61</u>	MOTION to Quash <i>EEOC's Notice of Deposition</i> by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Johns, Daniel) (Entered: 01/25/2008)
01/25/2008	<u>62</u>	Brief/Memorandum in Support re <u>61</u> MOTION to Quash <i>EEOC's Notice of Deposition</i> filed by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Attachments: # <u>1</u> Exhibit A–D)(Johns, Daniel) (Entered: 01/25/2008)
02/04/2008	<u>63</u>	RESPONSE to Motion re <u>61</u> MOTION to Quash <i>EEOC's Notice of Deposition Pursuant to FRCP 30(b)(6)</i> filed by Equal Employment Opportunity Commission.

		(Attachments: # <u>1</u> Affidavit Declaration of Molly P. Kucuk# <u>2</u> Exhibit No. 1 (Email Exchange)# <u>3</u> Exhibit No. 2 (EEOC's First Discovery Requests)# <u>4</u> Exhibit No. 3 (Defendants' Responses to EEOC's First Discovery Responses)# <u>5</u> Exhibit No. 4 (EEOC's Second Set of Written Discovery)# <u>6</u> Exhibit No. 5 (Defendants' Responses to EEOC's Second Set of Discovery))(Kucuk, Molly Powell) (Entered: 02/04/2008)
02/14/2008	<u>64</u>	Joint MOTION to Compel <i>Certain Discovery Requests</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Supplement Memorandum in Support of Motion# <u>2</u> Supplement Declaration of Molly P. Kucuk in Support of Motion# <u>3</u> Exhibit A# <u>4</u> Exhibit B# <u>5</u> Exhibit C# <u>6</u> Exhibit D# <u>7</u> Exhibit E# <u>8</u> Exhibit F# <u>9</u> Exhibit G# <u>10</u> Exhibit H# <u>11</u> Exhibit I# <u>12</u> Exhibit J# <u>13</u> Text of Proposed Order Granting Plaintiffs' Motion to Compel)(Kucuk, Molly Powell) Modified on 2/15/2008 to reflect that filing party has been instructed to file "attachment #1" of this entry as a seperate filing using "Brief/Memorandum in Support" (CDH,). (Entered: 02/14/2008)
02/15/2008		Notice of Correction: re <u>64</u> Joint MOTION to Compel <i>Certain Discovery Requests</i> Filing party is required to file "attachment #1" to the Motion to Compel as a seperate event using "Brief/Memorandum in Support" located under the "Responses and Replies" category. (CDH,) (Entered: 02/15/2008)
02/15/2008	<u>65</u>	Brief/Memorandum in Support re <u>64</u> Joint MOTION to Compel <i>Certain Discovery Requests</i> filed by Equal Employment Opportunity Commission. (Kucuk, Molly Powell) (Entered: 02/15/2008)
02/19/2008	<u>66</u>	REPLY to Response to Motion re <u>61</u> MOTION to Quash <i>EEOC's Notice of Deposition</i> filed by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Attachments: # <u>1</u> Exhibit E# <u>2</u> Exhibit F# <u>3</u> Exhibit G# <u>4</u> Exhibit H# <u>5</u> Exhibit I# <u>6</u> Exhibit J)(Johns, Daniel) (Entered: 02/19/2008)
02/19/2008	<u>67</u>	MOTION for Partial Summary Judgment by Les Schwab Tire Warehouse, Les Schwab Tire Warehouse.Responses due by 3/10/2008. (Johns, Daniel) (Entered: 02/19/2008)
02/19/2008	<u>68</u>	Brief/Memorandum in Support re <u>67</u> MOTION for Partial Summary Judgment filed by Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Johns, Daniel) (Entered: 02/19/2008)
02/19/2008	<u>69</u>	Statement of Undisputed Fact re: <u>68</u> Brief/Memorandum in Support, <u>67</u> MOTION for Partial Summary Judgment by Les Schwab Tire Warehouse, Les Schwab Tire Warehouse filed by Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I)(Johns, Daniel) (Entered: 02/19/2008)
02/27/2008	<u>70</u>	Second MOTION in <i>Limine Plaintiffs'</i> by Earle Nevins. (Best, Elizabeth) (Entered: 02/27/2008)
02/27/2008	<u>71</u>	Brief/Memorandum in Support re <u>70</u> Second MOTION in <i>Limine Plaintiffs'</i> filed by Earle Nevins. (Best, Elizabeth) (Entered: 02/27/2008)
02/28/2008	<u>72</u>	RESPONSE to Motion re <u>64</u> Joint MOTION to Compel <i>Certain Discovery Requests</i> filed by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D pgs. 1-52# <u>5</u> Exhibit D pgs. 53-104# <u>6</u> Exhibit E# <u>7</u> Exhibit F# <u>8</u> Exhibit G# <u>9</u> Exhibit H# <u>10</u> Exhibit I pgs. 1-44# <u>11</u> Exhibit I pgs. 45-88# <u>12</u> Exhibit J)(Johns, Daniel) (Entered: 02/28/2008)
03/07/2008	<u>73</u>	MOTION for Leave to File <i>Overlength Response to Defendant's Motion for Partial Summary Judgment</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Kucuk, Molly Powell) (Entered: 03/07/2008)
03/07/2008	<u>74</u>	Brief/Memorandum in Support re <u>73</u> MOTION for Leave to File <i>Overlength Response to Defendant's Motion for Partial Summary Judgment</i> filed by Equal Employment Opportunity Commission. (Kucuk, Molly Powell) (Entered: 03/07/2008)
03/07/2008	<u>75</u>	MOTION for Protective Order by Earle Nevins. (Attachments: # <u>1</u> Text of Proposed Order)(Best, Elizabeth) (Entered: 03/07/2008)

03/07/2008	<u>76</u>	MOTION for Summary Judgment <i>regarding state law claims, fully resolved and time-barred claims and claims of retaliatory discharge</i> by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. Responses due by 03/31/08. (Johns, Daniel) Modified on 3/10/2008 (CAD,) to change response due date. (Entered: 03/07/2008)
03/07/2008	<u>77</u>	Brief/Memorandum in Support re <u>75</u> MOTION for Protective Order filed by Earle Nevins. (Best, Elizabeth) (Entered: 03/07/2008)
03/07/2008	<u>78</u>	Brief/Memorandum in Support re <u>76</u> MOTION for Summary Judgment <i>regarding state law claims, fully resolved and time-barred claims and claims of retaliatory discharge</i> filed by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Johns, Daniel) (Entered: 03/07/2008)
03/07/2008	<u>79</u>	Statement of Undisputed Fact re: <u>78</u> Brief/Memorandum in Support, <u>76</u> MOTION for Summary Judgment <i>regarding state law claims, fully resolved and time-barred claims and claims of retaliatory discharge</i> by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse filed by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit K# <u>11</u> Exhibit L# <u>12</u> Exhibit L# <u>13</u> Exhibit M# <u>14</u> Exhibit N)(Johns, Daniel) (Entered: 03/07/2008)
03/07/2008	<u>80</u>	MOTION in Limine by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Johns, Daniel) (Entered: 03/07/2008)
03/07/2008	<u>81</u>	Brief/Memorandum in Support re <u>80</u> MOTION in Limine filed by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit D# <u>4</u> Exhibit E# <u>5</u> Exhibit F# <u>6</u> Exhibit G# <u>7</u> Exhibit H# <u>8</u> Exhibit I# <u>9</u> Exhibit J# <u>10</u> Exhibit K)(Johns, Daniel) (Entered: 03/07/2008)
03/10/2008	<u>82</u>	REPLY to Response to Motion re <u>64</u> Joint MOTION to Compel <i>Certain Discovery Requests</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Affidavit Declaration of Molly Kucuk# <u>2</u> Exhibit #1# <u>3</u> Exhibit #2# <u>4</u> Exhibit #3# <u>5</u> Exhibit #4# <u>6</u> Exhibit #5# <u>7</u> Exhibit #6# <u>8</u> Exhibit #7# <u>9</u> Exhibit #8# <u>10</u> Exhibit #9)(Kucuk, Molly Powell) (Entered: 03/10/2008)
03/10/2008	<u>83</u>	TEXT ORDER denying <u>73</u> Motion for Leave to File Overlength Brief in Response to Defendants' Motion for Partial Summary Judgment Signed by Judge Donald W. Molloy on 3/10/2008. (slp) (Entered: 03/10/2008)
03/10/2008	<u>84</u>	RESPONSE to Motion re <u>67</u> MOTION for Partial Summary Judgment filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M# <u>14</u> Exhibit N# <u>15</u> Exhibit O# <u>16</u> Exhibit P# <u>17</u> Exhibit Q# <u>18</u> Exhibit R# <u>19</u> Errata S# <u>20</u> Exhibit T# <u>21</u> Exhibit U# <u>22</u> Exhibit V# <u>23</u> Exhibit W)(Kucuk, Molly Powell) (Entered: 03/10/2008)
03/10/2008	<u>85</u>	Statement of Genuine Issues re: <u>67</u> MOTION for Partial Summary Judgment filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 5# <u>5</u> Exhibit 6# <u>6</u> Exhibit 7# <u>7</u> Exhibit 8# <u>8</u> Exhibit 9# <u>9</u> Exhibit 10# <u>10</u> Exhibit 11# <u>11</u> Exhibit 11# <u>12</u> Exhibit 13# <u>13</u> Exhibit 14# <u>14</u> Exhibit 15# <u>15</u> Exhibit 16# <u>16</u> Exhibit 17# <u>17</u> Exhibit 19# <u>18</u> Exhibit 20# <u>19</u> Exhibit 21# <u>20</u> Exhibit 22# <u>21</u> Exhibit 23# <u>22</u> Exhibit 24# <u>23</u> Exhibit 25# <u>24</u> Exhibit 26)(Kucuk, Molly Powell) (Entered: 03/10/2008)
03/11/2008	<u>86</u>	NOTICE of Filing Exhibits No. 4 re: <u>85</u> Statement of Genuine Issues,, (Kucuk, Molly Powell) (Entered: 03/11/2008)
03/11/2008	<u>87</u>	NOTICE of Filing Exhibits No. 18 re: <u>85</u> Statement of Genuine Issues,, (Kucuk, Molly Powell) (Entered: 03/11/2008)
03/12/2008	<u>88</u>	RESPONSE to Motion re <u>70</u> Second MOTION in Limine <i>Plaintiffs'</i> filed by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F)(Johns, Daniel) (Entered: 03/12/2008)

03/13/2008	<u>89</u>	RESPONSE to Motion re <u>80</u> MOTION in Limine filed by Earle Nevins. (Best, Elizabeth) (Entered: 03/13/2008)
03/24/2008	<u>90</u>	REPLY to Response to Motion re <u>67</u> MOTION for Partial Summary Judgment filed by Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Johns, Daniel) (Entered: 03/24/2008)
03/25/2008	<u>91</u>	REPLY to Response to Motion re <u>70</u> Second MOTION in Limine <i>Plaintiffs'</i> filed by Equal Employment Opportunity Commission. (Kucuk, Molly Powell) (Entered: 03/25/2008)
03/25/2008	<u>92</u>	DECLARATION re <u>91</u> Reply to Response to Motion in <i>Limine</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit No. 1, Deposition of Parks# <u>2</u> Exhibit No. 2, Deposition of Hueske# <u>3</u> Exhibit No. 3, Deposition of Nevins# <u>4</u> Exhibit No. 4, Deposition of Nevins# <u>5</u> Exhibit No. 5, Phone Transcript Part 1# <u>6</u> Exhibit No. 5, Walker Phone Transcript Part 2)(Kucuk, Molly Powell) (Entered: 03/25/2008)
03/26/2008	<u>93</u>	REPLY to Response to Motion re <u>80</u> MOTION in Limine filed by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Attachments: # <u>1</u> Exhibit L)(Johns, Daniel) (Entered: 03/26/2008)
03/27/2008	<u>94</u>	RESPONSE to Motion re <u>76</u> MOTION for Summary Judgment <i>regarding state law claims, fully resolved and time-barred claims and claims of retaliatory discharge</i> filed by Equal Employment Opportunity Commission. (Kucuk, Molly Powell) (Entered: 03/27/2008)
03/27/2008	<u>95</u>	Statement of Genuine Issues re: <u>76</u> MOTION for Summary Judgment <i>regarding state law claims, fully resolved and time-barred claims and claims of retaliatory discharge</i> filed by Equal Employment Opportunity Commission. (Kucuk, Molly Powell) (Entered: 03/27/2008)
03/27/2008	<u>96</u>	DECLARATION re <u>76</u> MOTION for Summary Judgment <i>regarding state law claims, fully resolved and time-barred claims and claims of retaliatory discharge in Support of Response</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit No. 1# <u>2</u> Exhibit No. 2# <u>3</u> Exhibit No. 3, Part 1# <u>4</u> Exhibit No. 3, Part 2# <u>5</u> Exhibit No. 4# <u>6</u> Exhibit No. 5# <u>7</u> Exhibit No. 6# <u>8</u> Exhibit No. 7# <u>9</u> Exhibit No. 8# <u>10</u> Exhibit No. 9# <u>11</u> Exhibit No. 10)(Kucuk, Molly Powell) (Entered: 03/27/2008)
04/02/2008	97	ORDER granting <u>52</u> Motion in Limine. This kind of motion should be worked out between counsel and should not require the court's intervention.. Signed by Judge Donald W. Molloy on 4/2/2008. (Molloy, Donald) (Entered: 04/02/2008)
04/02/2008	98	ORDER denying <u>61</u> Motion to Quash. If defendants have not complied with the Rule 30(b)(6) deposition designation they shall, within 10 days, designate an individual, or individuals to answer the questions set forth in the deposition notice.. Signed by Judge Donald W. Molloy on 4/2/2008. (Molloy, Donald) (Entered: 04/02/2008)
04/09/2008	<u>99</u>	Unopposed MOTION to Withdraw as Attorney <i>Wiliam Managhan</i> by Earle Nevins. (Kortum, Santana) (Entered: 04/09/2008)
04/10/2008	<u>100</u>	REPLY to Response to Motion re <u>76</u> MOTION for Summary Judgment <i>regarding state law claims, fully resolved and time-barred claims and claims of retaliatory discharge</i> filed by Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Les Schwab Tire Warehouse. (Attachments: # <u>1</u> Exhibit A)(Johns, Daniel) (Entered: 04/10/2008)
04/10/2008	<u>101</u>	ORDER granting <u>99</u> Motion to Withdraw as Attorney. Added attorney Santana N. Kortum for Earle Nevins. Attorney William L. Managhan terminated. Signed by Judge Donald W. Molloy on 4/10/2008. (BAW,) (Entered: 04/10/2008)
04/21/2008	<u>102</u>	Joint MOTION for Settlement Conference <i>by Magistrate Judge</i> Molly Powell Kucuk appearing for Plaintiff Equal Employment Opportunity Commission (Kucuk, Molly Powell) (Entered: 04/21/2008)
04/22/2008	<u>103</u>	ORDER granting <u>102</u> Motion for Settlement Conference. Signed by Judge Donald W. Molloy on 4/22/2008. (slp) (Entered: 04/22/2008)

04/22/2008		CASE REFERRED to Magistrate Judge Jeremiah C. Lynch for the purpose of conducting a settlement conference. (slp) (Entered: 04/22/2008)
04/22/2008	<u>104</u>	Order Setting: Telephonic Scheduling Conference set for 4/25/2008 10:00 AM in Missoula, MT before Jeremiah C. Lynch.. Signed by Jeremiah C. Lynch on 4/22/2008. (TXB,) (Entered: 04/22/2008)
04/25/2008	<u>105</u>	Order Setting: Settlement Conference set for 5/28/2008 09:00 AM in Missoula, MT before Jeremiah C. Lynch.. Signed by Jeremiah C. Lynch on 4/25/2008. (TXB,) (Entered: 04/25/2008)
04/25/2008	<u>106</u>	Minute Entry for proceedings held before Jeremiah C. Lynch: Telephonic Scheduling Conference held on 4/25/2008. (TXB,) (Entered: 04/25/2008)
04/28/2008		Set/Reset Deadlines as to <u>64</u> Joint MOTION to Compel <i>Certain Discovery Requests</i> . Motions ripe 2/28/2008. (BAW,) (Entered: 04/28/2008)
04/28/2008		Set/Reset Deadlines as to <u>67</u> MOTION for Partial Summary Judgment. Motions ripe 3/10/2008. (BAW,) (Entered: 04/28/2008)
04/28/2008		Set/Reset Deadlines as to <u>70</u> Second MOTION in <i>Limine Plaintiffs'</i> . Motions ripe 3/12/2008. (BAW,) (Entered: 04/28/2008)
04/28/2008		Set/Reset Deadlines as to <u>75</u> MOTION for Protective Order. Motions ripe 3/21/2008. (BAW,) (Entered: 04/28/2008)
04/28/2008		Set/Reset Deadlines as to <u>76</u> MOTION for Summary Judgment <i>regarding state law claims, fully resolved and time-barred claims and claims of retaliatory discharge</i> . Motions ripe 3/27/2008. (BAW,) (Entered: 04/28/2008)
04/28/2008		Set/Reset Deadlines as to <u>80</u> MOTION in <i>Limine</i> . Motions ripe 3/13/2008. (BAW,) (Entered: 04/28/2008)
05/22/2008	<u>107</u>	Stipulated Motion <i>to Use Juror Questionnaire</i> Daniel D. Johns appearing for Defendants Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Intervenor Defendants Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse (Attachments: # <u>1</u> Exhibit Proposed Juror Questionnaire) (Johns, Daniel) (Entered: 05/22/2008)
05/28/2008	<u>108</u>	Minute Entry for proceedings held before Jeremiah C. Lynch: Settlement Conference held on 5/28/2008. (TXB,) (Entered: 06/02/2008)
06/02/2008		Set Deadlines as to <u>107</u> Stipulated Motion <i>to Use Juror Questionnaire</i> . Responses due by 6/6/2008. Replies due by 6/20/2008. Motions ripe 6/6/2008. (BAW,) (Entered: 06/02/2008)
06/23/2008	<u>109</u>	Order Setting: Consent Decree due by 7/2/2008. Signed by Judge Donald W. Molloy on 6/23/2008. (slp) (Entered: 06/23/2008)
06/27/2008	<u>110</u>	Unopposed MOTION to Dismiss <i>Earle Nevins' Claims</i> Daniel D. Johns appearing for Defendants Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse, Intervenor Defendants Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Warehouse (Attachments: # <u>1</u> Text of Proposed Order) (Johns, Daniel) (Entered: 06/27/2008)
06/27/2008	<u>111</u>	Proposed Consent Decree by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit A: Notice to Employees) (Kucuk, Molly Powell) (Entered: 06/27/2008)
06/27/2008	<u>112</u>	ORDER granting <u>110</u> Motion to Dismiss Intervening Party Earle Nevins' claims as fully resolved, with each party to pay their own costs and attorneys fees. Signed by Judge Donald W. Molloy on 6/27/2008. (slp) (Entered: 06/27/2008)
06/27/2008	<u>113</u>	ORDER and CONSENT DECREE. Signed by Judge Donald W. Molloy on 6/27/2008. (BAW,) (Entered: 06/27/2008)